

Sales Tax Committee Agenda
January 26, 2012
4:00 p.m. to 6:00 p.m.
2nd Floor Community Room, Renaissance Center

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- 1.** Introduction
Vincent S. Long, Leon County Administrator
Anita Favors-Thompson, City of Tallahassee Manager

 - 2.** Review of the Enabling Resolution
Vincent S. Long, Leon County Administrator
Anita Favors-Thompson, City of Tallahassee Manager

 - 3.** Sunshine Law Review
Dan Rigo, Attorney, Leon County Attorney's Office

 - 4.** Review the Proposed Calendar
Alan Rosenzweig, Deputy County Administrator
Jay Townsend, Assistant City Manger

 - 5.** Public Input Process
Alan Rosenzweig, Deputy County Administrator
Jay Townsend, Assistant City Manger

 - 6.** Approval of Bylaws
Alan Rosenzweig, Deputy County Administrator
Jay Townsend, Assistant City Manger

 - 7.** Election of Chair and Vice Chair
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Agenda Item #2

Review of the Enabling Resolution

RESOLUTION NO. 11-58

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, TO ESTABLISH AN ADVISORY COMMITTEE WHICH SHALL BE NAMED THE LEON COUNTY SALES TAX COMMITTEE AND WHICH SHALL OPERATE AND FUNCTION AS A DECISION MAKING COMMITTEE.

WHEREAS, the Board of County Commissioners of Leon County, Florida (the Board) recognizes and acknowledges the importance of public involvement and input in County government; and

WHEREAS, in order for the Board to consider the input of the public in the matter of infrastructure sales tax issues within Leon County, it wishes to establish and appoint an advisory committee to function and operate in accordance with Board Policy No. 03-15, Board-Appointed Advisory Committees.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, that:

1. The Board hereby establishes an advisory committee, to be named the Leon County Sales Tax Committee, for the purpose of for the purpose of collecting public input and making recommendations regarding public policy for infrastructure sales tax issues within Leon County.
2. The Leon County Sales Tax Committee shall function and operate as a Decision Making Committee in accordance with Board Policy No. 03-15, Board-Appointed Advisory Committees.
3. The Leon County Sales Tax Committee shall be comprised as follows:
 - a. one (1) member from the existing Blueprint 2000 Citizens Advisory Committee (CAC).
 - b. one (1) member from the original Economic and Environmental Citizens Committee (EECC).
 - c. one (1) member from the Tallahassee Chamber of Commerce.
 - d. one (1) member from the Capital City Chamber of Commerce.
 - e. seven (7) members to be appointed by the Board of County Commissioners, with each Commissioner choosing one member.

- f. seven (7) members to be appointed by the City of Tallahassee Commission, with each City Commissioner choosing one member, two of whom will be ratified by the Board of County Commissioners.

4. The Leon County Sales Tax Committee shall have as its goal to participate in collecting public input, and making final recommendations regarding infrastructure sales tax issues within Leon County.

5. The Leon County Sales Tax Committee shall understand the statutory framework of the infrastructure sales tax, including how it shall be spent and how the funds shall be allocated and report to the Board with recommendations, as applicable.

6. The Leon County Sales Tax Committee shall be charged with the responsibility of considering and giving input to the Leon County Board of County Commissioners as follows:

- a. the current list of projects being considered by the Board of County Commissioners.
- b. any projects being considered by the City of Tallahassee.
- c. Blueprint 2000 projects not currently funded, including Tier 2 projects.
- d. Other projects the Leon County Sales Tax Committee deems appropriate for consideration.

7. The Leon County Sales Tax Committee shall conduct at least one (1) public hearing to allow other community members/partners the opportunity to present potential additional projects to be considered for review by the Committee.

8. The Leon County Sales Tax Committee shall make final recommendations to the Board in the form of a written report, workshop, or other means, that shall include:

- a. recommendation as to the timing of an infrastructure sales tax referendum, if any.
- b. a review that contains advisory feedback on the projects considered by the Committee.

9. The members of the Leon County Sales Tax Committee shall not be subject to full and public disclosure of financial interests.

10. The Leon County Sales Tax Committee shall be assisted by staff as designated by the County Administrator and City Manager.

11. The Leon County Sales Tax Committee shall be dissolved only as follows: upon completion of its report and its acceptance by the Board, or one (1) year from the date of its establishment by the Board, whichever comes first, unless extended.

12. This Resolution shall become effective immediately upon its adoption.

DONE, ADOPTED, AND PASSED by the Board of County Commissioners of Leon County, Florida, this ^{14th}_{13th} day of September 2011.



ATTESTED BY:

BY: John Stott, Deputy Clerk
Bob Inzer
Clerk of the Circuit Court

LEON COUNTY, FLORIDA

BY: John Dailey
John Dailey, Chairman
Board of County Commissioners


APPROVED AS TO FORM:

Leon County Attorney's Office
Leon County, Florida

BY: Herbert W. A. Thiele
Herbert W. A. Thiele
County Attorney

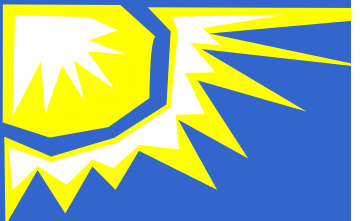
Agenda Item #3

Sunshine Law Review



Board Appointed Committees and the Florida Sunshine, Public Records, and Code of Ethics Laws

**This training is required for all citizens
interested in serving on committees.**

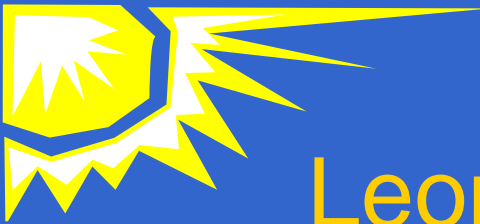


This presentation highlights the requirements of the following three laws and how they relate to Board appointed committees.

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- ❖ The Sunshine Law,
- ❖ The Public Records Law,
- ❖ and the Florida Code of Ethics.

This presentation will proceed automatically. For quicker viewing, press the right arrow key to move forward or the left arrow key to move backward.



Leon County has a legal obligation to comply with:

- ❖ The Sunshine Law,
- ❖ The Public Records Law,
- ❖ and the Florida Code of Ethics.

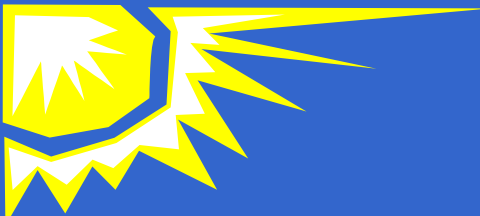


The Laws

❖ SUNSHINE LAW

Protects the public from “closed door” decision making and provide a right of access to governmental meetings.

(F. S. Sec. 286.011 (“Sunshine Law”) and Fl. Constitution Art. I, Sec. 24)

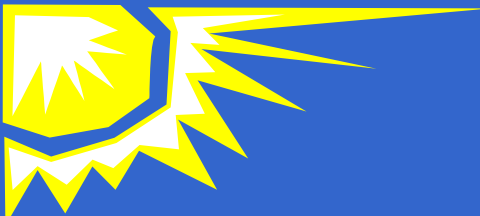


The Laws

❖ PUBLIC RECORDS LAW

Creates a right of access to records made or received in connection with official business of a public body.

(F. S. Chap. 119)



The Laws

❖ CODE OF ETHICS

Protects against conflict of interest and establishes standards for the conduct of elected officials and government employees in situations where conflicts may exist.

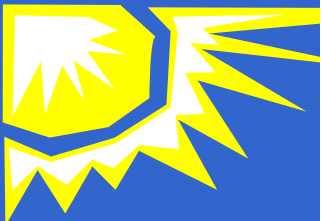
(F. S. 112, Part III, Code of Ethics for Public Officers and Employees and the Fl. Constitution Art. II, Sec. 8)



Committee type determines the applicability of these laws.

There are two types of committees:

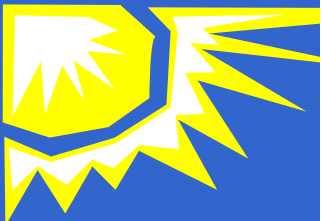
1. **Decision Making Committees**
2. **Fact Finding/Focus Group Committees**



1. Decision Making Committees become part of the Board's decision making process and:

Agenda Item #3

- **Choose alternatives and direction; narrow or eliminate options for the Board's consideration.**
- **Make decisions by voting.**
- **Make recommendations to the Board directly or through staff.**
- **Create bylaws.**



2. Focus Groups provide a source of community input and factual resources and:

Agenda Item #3

- Have no characteristics of a Decision Making Committee.
- Do not need bylaws.
- Provide individual input, data and factual findings to staff, as part of staff's development in its advisement to the Board.
- Do not take votes.
- Maintain a brainstorming focus.



The Sunshine Law --

Agenda Item #3

Gives the public access to meetings of “any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision” *AND*

- Allows the public to observe each preliminary step leading to the final decision.
- Prevents the Board from creating closed committees that narrow the Board’s decisions.
- Applies to Board appointed committees.
- An AG opinion advises it also applies to an individual Board member, appointed to negotiate, narrow decisions, or make decisions for the full Board.



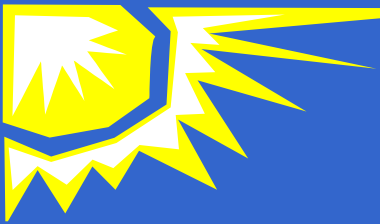
Meetings subject to the Sunshine Law --

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include formal or casual discussions about a matter on which the Board or Committee may foreseeably take action, between:

- ☀ Two or more Board members, or
- ☀ Two or more members of a Decision Making Committee.

Discussions may occur through telephone or e-mail communications, or exchanges during workshops, social events, football games and neighborhood barbeques.



The Sunshine Law imposes three Obligations of Openness

1. Reasonable notice of meetings subject to the Sunshine Law must be given.

Requires giving the public reasonable and timely notice so they can decide whether to attend. What is “reasonable” or “timely” depends on the circumstance. Does not necessarily require a newspaper advertisement. Contact the County Attorney’s office for guidance.



The Sunshine Law imposes three Obligations of Openness

2. Public must be allowed to attend meetings; however there is no obligation to allow the public to participate.
 - ⚙ Meetings cannot be held at exclusive or inaccessible facilities.
 - ⚙ No evasive actions are allowed, such as:
 - Circulating written reports to elicit responses or positions on issues.
 - Using staff, lobbyists, or other means to seek other members' positions about issues.



The Sunshine Law imposes three Obligations of Openness

3. Minutes of the meetings are required. Written minutes must be taken and made available promptly.
 - Sound recordings may also be used, in addition to written minutes.
 - Minutes may be a brief summary of meeting's events.
 - Minutes are public records.
 - Minutes must record the votes.



The Sunshine Law applies when --

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- ❖ Two or more members of a governing board (such as the BCC) discuss a matter that may foreseeably come before the governing board.



The Sunshine Law applies when --

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AND . . .

- ❖ A governing board moves any part of its decision making process to a committee or group, thereby appointing an “alter ego.”

According to an AG opinion, this may also include an individual Board or Committee member appointed formally or informally to negotiate, narrow or eliminate options or decisions for the full Board or Committee.



The Sunshine Law does not apply to --

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- ❖ Committees or groups appointed to engage only in fact-finding activities.
- ❖ Board created focus groups or other such committees that:
 - Only provide individual input, data and facts as part of staff's development in its advisement to the Board
 - Do not narrow options.

*The Sunshine Law is broadly construed –
Exemptions are narrowly construed*



Sunshine Law: Penalties for Noncompliance

(Also apply to Decision Making Committees)

***A violation of the Sunshine Law
by the Board or a Decision
Making Committee, can nullify
Board decisions.***

Criminal Penalties:

- It is a second degree misdemeanor to knowingly violate the Sunshine Law.
- Punishable with a fine of up to \$500 and/or up to 60 days imprisonment.

Other Penalties Include:

- Removal from position.
- Payment of attorney's fees incurred by the challenging party, as well as declaratory and injunctive relief.

A Penalty Example

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BASED ON LOCAL NEWS REPORTS

Childers To Prison

No restitution ordered



Former Florida Senate President W.D. Childers, 69, was sentenced in Crestview today to 3 1/2 years in state prison after last month's jury verdict on charges of bribing former Escambia County commissioner Willie Junior. Childers allegedly bribed Junior to vote for purchasing the former soccer complex in Pensacola at a price of \$3.9 million.

After he completes his sentence, Childers also will have to perform 250 hours of community service and serve 1 1/2 years on probation.

Prosecutors sought the maximum penalty of 10 years, five years on each count and more than \$1 million in restitution. Prosecutors also asked the judge to order restitution of more than a million dollars to cover alleged county losses on the real estate deal. However, the judge declined to order restitution. Childers maintained he has a negative net worth.

Childers, 69, also has been [serving a 60-day county jail sentence](#) for violations of Florida's open-government "sunshine" law. He will begin serving the 3 1/2 year prison sentence once he completes the jail term.

The "Banty Rooster," as he was known over a 30-year career as a state legislator in Tallahassee, decided to run for county office as a Republican in 2000 because he was term-limited under a new Florida law. Childers' challenge to the term limits law also was turned away by the courts.

Childers was accused of bribing Junior, a Pensacola Democrat, with at least \$90,000 in checks. Junior testified Childers handed him the money pot following the vote but that he returned \$40,000 in exchange for a cashier's check.

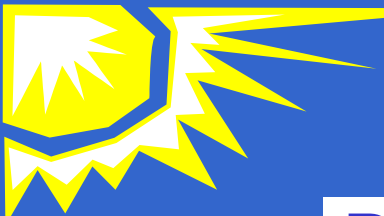
Childers denied giving Junior any cash and testified the checks were loans secured by Junior's equity in a funeral home. He produced two handwritten promissory notes they had signed. Assistant State Attorney John Simon argued that Childers never filed the notes with the court clerk in order to enforce them, which he had often done with other loans, including those to family members.

Sentenced to Jail for Sunshine Law Violations: Suspended Escambia County Commissioner W.D. Childers was sentenced to 60 days in jail for discussing redistricting in a telephone conversation while fellow commissioner listened on a speaker phone, and pleaded no contest for talking with two fellow commissioners about county building projects in front of a staffer.

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Georgann Elliott also

e violations and



Public Records Law

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Public Records include: All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of physical form or means of transmission made or received pursuant to law in connection with transaction of official business by the agency. *(Fl. Stat. Chapter 119)*

The Public Records Law Applies to:

- Records developed by the Board, Board Appointed Committees, and employees
- All types of records including written communications, letters, notes and e-mails.

Numerous exemptions are identified in
Fl. Stat. 119.07 and other statutes.



Public Records Requests

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Can be made:

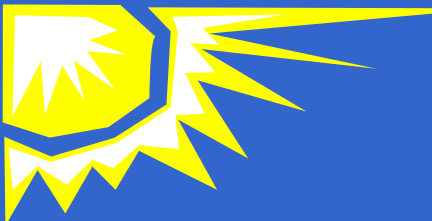
- Verbally or in writing,
- By any person.

The Board or Board Appointed Committee:

- Has a “reasonable” time to respond.
- Can charge for the cost of retrieving records if the amount requested is voluminous.
- Can charge 15 cents/page.

The Public Records Law does not require:

- The retention of records (this is covered under the State’s records retention policy)
- The creation of records or the provision of records in the format requested
- An explanation of the records.



Florida Code of Ethics

Addresses:

- ⚙ **Standards of Conduct**
- ⚙ **Voting Conflict**
- ⚙ **Financial Disclosure**

- Applies to:
 - ⚙ **County Commissioners.**
 - ⚙ **Board Employees.**
 - ⚙ **Board Appointed Committees.**
- Prohibits certain actions or conduct.
- Requires certain disclosures be made to the public.



Standards of Conduct

Prohibit Public Officials, including Board Appointed Committee Members, from . . .

- ❖ Soliciting and Accepting Gifts. May not solicit or accept anything of value that is based on an understanding that their vote, official action, or judgment would be influenced by such a gift.
 - ❖ Accepting Unauthorized Compensation. May not accept any compensation, payment, or thing of value that is given to influence a vote or other official action.
- ❖ Misusing Their Public Position. May not corruptly use their official position to obtain a special privilege for themselves or others.
 - ❖ Disclosing or Using Certain Information. May not disclose or use information not available to the public and obtained by reason of their public positions for the personal benefit of themselves or others.



Standards of Conduct

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Prohibit Public Officials, including Board
Appointed Committee Members, from . . .

***The full Board
may waive
these two
prohibitions,
as they relate
to Board
appointed
committees.***

- ❖ Doing business with their agency. A public official's agency may not do business with a business entity in which the public official, or their spouse or child own more than a 5% interest.
- ❖ Engaging in Conflicting Employment or Contractual Relationships. A public official may not be employed or contract with any business entity regulated by or doing business with his or her public agency.



Voting Conflicts of Interest

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- ❖ Requires no County, municipal, or other Local Public Officer (including members of Board appointed committees) shall vote in an official capacity upon any measure which would inure to the special private gain or loss of themselves, any principal or entity by whom they are retained, other than an agency as defined in the Fl. Stat. 112.312(2), or to any relative or business associate.

- ❖ **Requires that public officers, including members of decision making committees:**

- Must announce the nature of the conflict before the vote; abstain from voting; and file a memorandum of voting conflict
- May not participate in the discussion without first disclosing the nature of their interest in the matter (either in writing prior to the meeting, or orally as soon as they become aware that a conflict exists)

***Becomes an issue when stakeholders
are appointed to Decision Making Committees.***



Financial Disclosures




Agenda Item #3


Board appointed committee members with land-planning, zoning or natural resources responsibilities must file an annual financial statement.



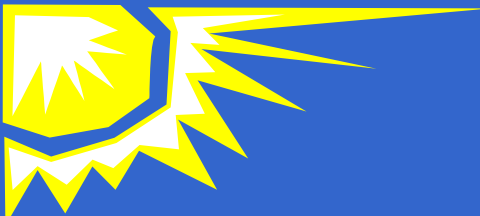
Which Laws Apply to Which Committees?

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Florida Laws	Focus Group	Decision Making Committee
 Sunshine Law		<input type="checkbox"/>
Public Records Law	<input type="checkbox"/>	<input type="checkbox"/>
Code of Ethics:		
Standards of Conduct	<input type="checkbox"/>	<input type="checkbox"/>
Voting Conflict		<input type="checkbox"/>
Financial Disclosure		  <input type="checkbox"/>

 *Includes discussions about a matter which may foreseeably come before the Committee: between one or more Committee member(s), or involving subcommittees or an individual Committee member who has been formally or informally authorized to exercise any decision-making authority or to reduce options for the Committee's consideration.*

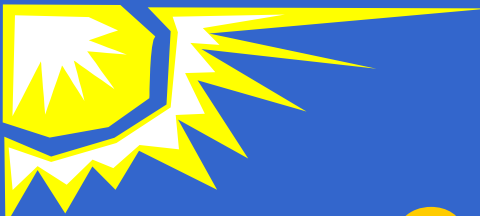
 *Committees with land-planning, zoning, or natural resources responsibilities.*



On September 23, 2003, the Board adopted Policy No. 03-15, Board-Appointed Advisory Committees: Establishment, Appointment Function, Operation, and Dissolution.

The policy was adopted to assure:

- ❖ **Consistency and legal compliance in the formation, selection, and appointment of Committees.**
- ❖ **Formal orientation and training on the applicability of Florida laws.**
- ❖ **A reduction in potential liability to Leon County and its citizen volunteers.**



Committee Training Review Questions

Now, Let's Review What You Have Learned!



Committee Training Review Questions

- 1. As it relates to Board appointed Committees, Leon County has an obligation to comply with what three laws?**



Committee Training Review Questions

Answer #1:

Leon County must comply with the following laws:

- ❖ **Sunshine Law (F.S. Sec. 286.011)**
- ❖ **Public Records Law (F.S. Chapter 119)**
- ❖ **Code of Ethics Law (F.S. 112)**



Committee Training Review Questions

2. What are three Obligations of Openness imposed by the Sunshine Law?



Committee Training Review Questions

Answer #2:

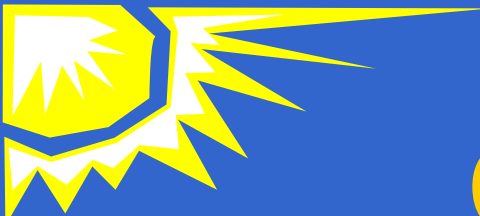
**The Sunshine Law imposes three
Obligations of Openness:**

- ❖ Reasonable notice of meetings
- ❖ Public must be allowed to attend
- ❖ Minutes of meetings are required



Committee Training Review Questions

3. In accordance with the Sunshine Law, what are the two types of committees?



Committee Training Review Questions

Answer #3:

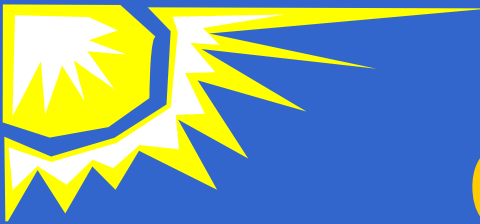
Under the Sunshine Law, the two types of committees are:

- **Decision Making Committee**
- **Fact Finding/Focus Group Committee**



Committee Training Review Questions

4. Is the Sunshine law applicable to Focus Group Committees engaged only in fact-finding activities?



Committee Training Review Questions

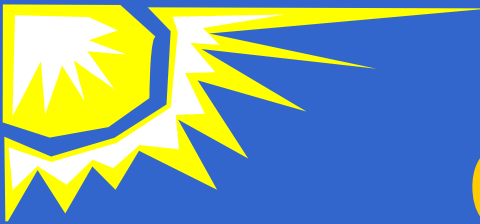
Answer #4:

No. The Sunshine Law does not apply to committees or groups engaged only in fact-finding activities.



Committee Training Review Questions

- 5. Are informal or casual discussions at a backyard barbeque between two or more members of a Decision Making Committee, regarding matters to be discussed at a future meeting, subject to the Sunshine Law?**



Committee Training Review Questions

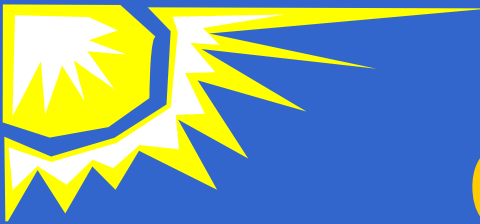
Answer #5:

Yes. These informal or casual discussions regarding matters to be discussed at a future meeting may be subject to the Sunshine Law.



Committee Training Review Questions

6. What are the criminal penalties associated with violation of the Sunshine Law?



Committee Training Review Questions

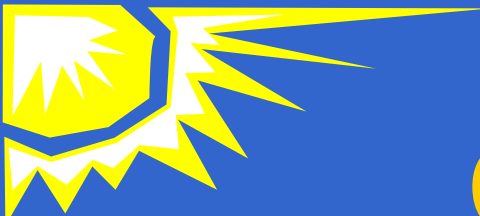
Answer #6:

- 1. Second Degree Misdemeanor**
- 2. Fine up to \$500 and/or 60 days imprisonment.**



Committee Training Review Questions

7. Are the notes taken and/or documents distributed at Board appointed committee meetings subject to the Public Records Law?



Committee Training Review Questions

Answer #7:

Yes. The Public Records Law applies to all types of records including written communications, letters, notes and e-mails.



Committee Training Review Questions

8. As it relates to Board appointed Committees, what are the three areas addressed by the Code of Ethics Law?



Committee Training Review Questions

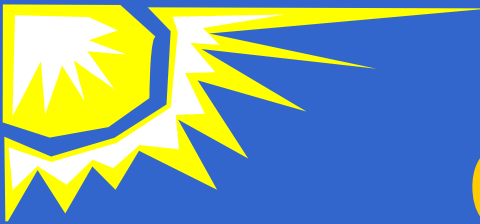
Answer #8:

- 1. Standards of Conduct**
- 2. Voting Conflict**
- 3. Financial Disclosure**



Committee Training Review Questions

- 9. May a Board appointed committee member solicit or accept gifts or unauthorized compensation used to influence a vote or other official action?**



Committee Training Review Questions

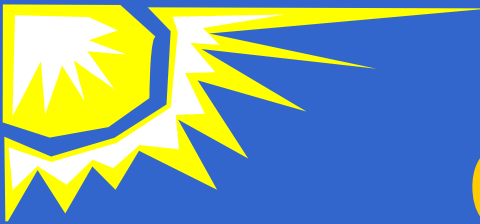
Answer #9:

No. Standards of Conduct prohibit such actions.



Committee Training Review Questions

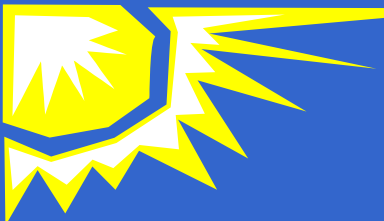
10. Under the Voting Conflict of Interest, are stakeholders allowed to vote on matters that will inure to their special private gain or loss?



Committee Training Review Questions

Answer #10:

No. Stakeholders may not vote on matters that will inure to their special private gain or loss. Due to potential conflict of interest, Leon County discourages the appointment of Stakeholders to Decision Making Committees.



Thank you for participating in this
training for Board Appointed
Committees.

Agenda Item #3

*Please complete the application and certification
form and mail to :*

*Agenda Coordinator at
301 S. Monroe Street, 5th floor,
Leon County Courthouse,
Tallahassee, FL , 32301.*

*Should you have any questions, please contact County
Administration at 488-9962.*



A day in Florida
Government
is a day in the Sunshine!

Agenda Item #6

*Approval of the
Proposed Bylaws*

BYLAWS OF THE Leon County Sales Tax Committee

In order to govern its function and operation in a manner consistent with the Enabling Resolution No. 11-58 adopted by the Leon County Board of County Commissioners (hereinafter the “BCC”) on 13th day of September 2011, the Leon County Sales Tax Committee (hereinafter the “Committee”) hereby adopts as its Bylaws the following:

ARTICLE I. APPLICABLE FLORIDA LAWS AND BCC POLICIES

Section 1.1 Public Records Law and E-Mails: Each member of the Committee shall comply with the Florida’s Public Records Law, Chapter 119, Florida Statutes, and BCC Policy 96-4, “Policy on Public Records Law and E-Mail”, as may be amended from time to time, and each member of the Committee shall be provided a copy of BCC Policy 96-4.

Section 1.2 Government In the Sunshine Law: Each member of the Committee shall comply with the Florida Government in the Sunshine Law, Chapter 286, Florida Statutes, as may be amended from time to time.

Section 1.3 Code of Ethics: The Committee shall comply with the following state laws and BCC Policies with regard to the Florida Code of Ethics for Public Officers and Employees:

Clause 1.3.1 Each member of the Committee shall comply with Section 112.3143, Florida Statutes, “Voting Conflicts”, as may be amended from time to time, and shall be provided a copy of Section 112.3143.

Clause 1.3.2 Each member of the Committee shall abide by the Standards of Conduct set forth in Section 112.313, Florida Statutes, as may be amended from time to time, and shall be provided a copy of Section 112.313, Florida Statutes.

ARTICLE II. OFFICERS AND DUTIES

Section 2.1 Immediately upon adoption of these Bylaws, the Committee shall elect from among its members a Chairperson and a Vice-Chairperson, each of whom shall serve until **the dissolution of the Committee.**

Section 2.2 The Chairperson shall preside at all meetings. In the event of the Chairperson’s absence, or at the direction of the Chairperson, the Vice-Chairperson shall assume the powers and duties of the Chairperson.

Section 2.3 In the event that either the Chairperson or the Vice-Chairperson is unable to complete their terms, the Committee shall, as soon as reasonably possible, elect a replacement from among its members.

ARTICLE III. TERM OF MEMBERS

Section 3.1 Each member shall serve on the Committee **until the dissolution of the Committee.**

ARTICLE IV. MEETINGS

Section 4.1 Regular Meetings: The Committee shall hold regular meetings at a place and time agreeable to the members. Such regular meetings shall begin at **4:00 p.m. on the fourth Thursday of each month** and be held at **the Renaissance Center Second Floor Conference Room** unless an alternate time and location is selected by the Committee. The duration of meetings shall not exceed **two** hours unless extended by a majority vote of the Committee. In order to expedite meetings, the Chairperson may place time limits on discussion of agenda items.

Section 4.2 Special Meetings: The Chairperson may call a special meeting of the Committee to discuss any issue properly before the Committee. Such special meeting may be convened only after notification is given to each member of the Committee and after public notice is given no later than forty-eight (48) hours before the special meeting is scheduled to begin.

Section 4.3 Public Participation: Although all meetings of the Committee will be open to the public, the Committee is not obligated to honor requests from the public to participate in the meetings. The Committee may, by majority vote, allow limited participation by the public if it deems it appropriate.

Section 4.4 Meeting Agendas: The County Staff Support Person shall assist the Chairperson of the Committee in developing an agenda for each meeting of the Committee. Any member of the Committee may request that appropriate items be placed on the agenda.

Section 4.5 Official Acts and Quorum: Any and all official acts by the Committee shall require a majority vote of the members present. However, the Committee shall take no such action unless a quorum is present at the meeting. In order to constitute a quorum, there must be a majority of the Committee's current membership present at the meeting. The minutes of the meeting shall reflect the number of affirmative votes on a motion and shall specify the names of any members voting against the motion.

Section 4.6 Meeting Minutes: Minutes shall be taken at all regular and special meetings of the Committee. The County Staff Support Person shall assist the Chairperson in determining the manner in which the minutes of the meeting shall be prepared and filed with the County in accordance with BCC Policy No. 03-15, "Board-Appointed Advisory Committees".

Section 4.7 Procedure: Roberts' Rules of Order Revised shall govern the procedure of all meetings.

**ARTICLE V.
AMENDMENTS TO BYLAWS**

Section 5.1 Amendments: At any regular or special meeting of the Committee, these Bylaws may be amended by an affirmative vote of a **majority** of the members present at the meeting.

Section 5.2 Approval: The Amended Bylaws shall become effective upon the approval of the County Attorney as to the legality of the form and content of such amendment.

**ARTICLE VI.
ATTENDANCE AND REPLACEMENT OF MEMBERS**

Section 6.1 Attendance at Meetings: In the event a member is absent from two of three successive regular meetings of the Committee, the Chairperson shall notify the entity which appointed the member and request that a replacement be made. For the purposes of this Section, a member must be present to be considered 'in attendance' and will be considered absent if he/she is absent from more than half the duration of the meeting. Telephonic participation is not allowed.

Section 6.2 Replacement of Members: In the event a vacancy occurs in the membership of the Committee, either through dismissal, voluntary termination, or other means, the entity which appointed the member shall determine whether the vacancy should be filled. If it is determined that the vacancy will be filled, a new member shall be appointed as soon as reasonably possible in accordance with the procedure for appointment of members to advisory committees contained in BCC Policy No. 03-15 "Board-Appointed Advisory Committees".

Approved As To Legality of Form and Content:

County Attorney's Office

BY: _____
Herbert W. A. Thiele
County Attorney